

EXAMINER'S AMENDMENT/COMMENTS

Election/Restrictions

1. Claims 1, 5, 7, 8, and 14-16 are allowable. The restriction requirement between species I-III, as set forth in the Office action mailed on April 22, 2008, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 4, 6, and 10-13 are, directed to Species II are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

2. In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: The rejection of Kobayashi is withdrawn in response to applicant's arguments, specifically one having

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ordinary skill in the art would not be motivated to optimize the workable ranges since Kobayashi does not have extensibility as a whole, see applicant's remarks dated March 11, 2010.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Amendment

4. The declaration under 37 CFR 1.132 filed March 11, 2010 is insufficient to overcome the rejection of claims 1, 4-8, 10-16 based upon: There is not a comparative point near the lower end of the range. The comparison is at 13X extensibility which is right next to the 15X lower limit of the extensibility range but the closest inventive point is at 60X (example 3) which is far from the lower end of the range and in within the preferred range of at least 30X the extensibility of the sheet set forth in claim 14. Applicant' should show a point within the range set forth in the independent claim that is not in a preferred range.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHEL R. STEITZ whose telephone number is (571)272-1917. The examiner can normally be reached on Monday-Friday 9:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rachel Running Steitz/
Examiner
Art Unit 3732

4/7/2010

/Cris L. Rodriguez/
Supervisory Patent Examiner, Art Unit 3732